

CONDITIONAL USE PERMIT – OAK TREE PERMIT – PARKING PERMIT

CASE NO. 02-121-(3)

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1. This grant authorizes the use of the subject property for a private boarding school for boys, grades 9 through 12 and up to four years of post secondary school, for a maximum of 132 students and 23 staff and administrators with appurtenant facilities including dormitories and staff residences; operation of the boarding school with less than required number of on-site parking spaces, and the removal of seven oak trees and encroachment into the protected zone of eight oak trees, all as depicted on the approved Exhibit "A" and subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 10, and until all required monies have been paid pursuant to Condition Nos. 11, 12, and 14.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

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- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within 2 years from the date of approval. A one-year time extension may be requested, in writing with the payment of the applicable fee, at least six months before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. This grant supersedes Conditional Use Permit Case No. 97-166, Parking Permit Case No. 97-166, and Oak Tree Permit Case No. 97-166, which permits are void and of no force and effect.
9. This parking permit shall terminate and cease to be in effect at the same time the principal use for which the permit is granted terminates. In addition, if the permittee is unable to comply with the provisions of the parking permit, the use for which the parking permit has been granted shall be terminated, reduced or removed unless some other alternative method to provide the required parking is approved by the Director.
10. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable, of the subject property.
11. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **1,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides **for ten (10) biennial (every other year)**

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inspections. Additional monies sufficient to provide for ten additional biennial inspections shall be deposited with the County every twenty years for the life of the grant. The amount due for such inspections shall be the amount equal to the recovery cost at the time of payment. The inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The charge for additional inspections shall be the amount equal to the recovery cost at the time of payment. The current recovery cost is \$150.00 per inspection.

12. Within fifteen (15) days of the approval date of this grant, the permittee shall remit processing fees in the amount of **\$875.00** payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code and to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code. No project subject to this requirement is final, vested or operative until the fee is paid.
13. The mitigation measures set forth in the Final Environmental Impact Report for the project are incorporated by this reference and made conditions of this permit, and the permittee shall comply with the attached Mitigation Monitoring Program. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit mitigation monitoring reports to the Department of Regional Planning for review and approval by said department. The reports shall describe the status of the permittee's compliance with the required mitigation measures. The reports shall be submitted as frequently as required by the department, including at the time of building permit issuance.
14. As provided in the Environmental Impact Report, the applicant shall deposit the sum of **\$3,000.00** with the Department of Regional Planning within thirty (30) days of the approval date of this grant to defray the cost of reviewing the required mitigation monitoring reports and verifying compliance with the Mitigation Monitoring Program.
15. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these

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conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.

16. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
17. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
18. The subject property shall be developed, operated and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department. The proposed project will fulfill its statutory responsibilities related to water conservation through its compliance with Health and Safety Code Section 17921.3 which requires low-flush toilets in all new construction, Title 24 of the California Code of Regulations Sections 2-5352 (I) and (J) which requires hot water pipes to be insulated and Government Code Section 7800 which requires lavatories to have self-closing faucets in public facilities.
19. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
20. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
21. Within sixty (60) days of approval of this grant, the permittee shall submit to the Director for review and approval three copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict all required project changes, including the following: (1) all proposed and existing landscaping, including the size, type and location of all plants, trees and watering facilities; (2) the entrance gate at Mureau Road; and (3) the size, type and location of any signage, if

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proposed. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.

22. Throughout the term of this grant, the permittee shall maintain all landscaping in a neat, clean and healthful condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.
23. Prior to the encroachment into the protected zone of any oak tree as authorized by this grant, the permittee shall obtain all permits and approvals required for the work that necessitates such encroachment.
24. The construction, operation and maintenance of the proposed use shall be further subject to all of the following restrictions:
 - a. The permittee shall comply with all recommended conditions set forth in the attached County of Los Angeles Department of Public Works letter dated August 25, 2003, except as otherwise required by said department;
 - b. The permittee shall strictly comply with all requirements offset forth in the attached Los Angeles Forester and Fire Warden, Forestry Division, letter dated September 12, 2003. In addition, should any oak tree die as a result of an approved encroachment, requiring the planting of mitigation trees, an acorn shall also be planted at the same time and within the watering zone of each mitigation tree;
 - c. During construction the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise;
 - d. Within 60 days of the approval date of this grant and prior to occupancy, the temporary trailers shall be upgraded to the satisfaction of the Los Angeles County Fire Department and the Building and Safety Division of the Department of Public Works;
 - e. The permittee shall provide and continuously maintain a minimum of 71 on-site automobile parking spaces upon completion of the campus; the parking spaces will be phased in along with the construction of new

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buildings as shown on the Exhibit "A" and developed to the specifications listed in Section 22.52.1060 of the Los Angeles County Code. At least two of these spaces shall be van-accessible and reserved for persons with disabilities. Pursuant to Section 22.52.1084, one Type A (24' x 12') loading area shall also be provided. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, vehicle repair, or any other unauthorized use;

- f. The permittee shall maintain the subject property in a neat and orderly fashion, free of litter and debris. All outdoor trash containers shall be covered and all trash enclosure areas shall be screened from public and private view corridors by landscaping, berms, compatible structures, or a combination of these;
- g. All parking lot and other exterior lighting shall be hooded and directed away from roadways and neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;
- h. The permittee shall not utilize any amplified sound system outdoors;
- i. All fences and walls on the property shall be maintained in good condition and in compliance with the requirements of Section 22.48.160 of the County Code.
- j. All signs on the subject property shall comply with the provisions of Chapter 22.52, Part 10, of the Los Angeles County Code. Outdoor advertising signs are prohibited;
- k. Outside display and storage of material on the property is prohibited;
- l. The permittee shall not store or use hazardous materials on the subject property;
- m. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times;
- n. The school shall continue to be accredited and offer instruction required to be taught in the public schools by the Education Code of the State of California. This grant does not extend to trade or commercial schools;

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- o. The total number of students enrolled at the school shall not exceed 132 students.
- p. All students attending the school shall reside on campus while school is in session, with the exception of students who arrive and depart the campus (carpool) with staff member(s) who reside off campus. Students are not allowed to maintain personal cars on campus;
- q. Left turns are not allowed on to Mureau Road when exiting the school;
- r. The primary occupants of the staff residences shall be persons directly involved in the daily operation of the school;
- s. The occupant load of the gymnasium shall not exceed 422 persons;
- t. “Special events” (defined as events attracting more than 55 automobiles) shall accommodate excess vehicles in additional outside parking areas and shuttle bus-type transport or visitors shall arrive by bus from pre-arranged gathering sites. With the exception of annual school graduation ceremonies, which shall show proof of sufficient parking at a school facility operated by the Las Virgenes School District or other location approved by the Director, the permittee shall be required to apply for and obtain a temporary use permit from the Department of Regional Planning prior to the occurrence of each special event. In addition to annual graduation ceremonies, the permittee shall be limited to not more than four special events each year. Interscholastic athletic events are prohibited at the school facility;
- u. If after inspections and/or complaints, the Director of Planning determines that the number of parking spaces provided on-site is insufficient to accommodate the actual number of vehicles visiting the site, the occupant load of the gymnasium shall be reduced to a level consistent with the number of parking spaces provided;
- v. The permittee shall furnish a copy to the Director and record an agreement in the office of the county recorder of Los Angeles County, as a covenant running with the land for the benefit of the county of Los Angeles, providing that, should this parking permit terminate, the owner or its successor in interest will either reduce the occupant load of the gymnasium or develop the parking spaces needed to bring the new use or occupancy into conformance with the parking requirements of Title 22 of the Los Angeles County Code at the time such new use or occupancy is established; and

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- w. The permittee shall be required to obtain a new conditional use permit and parking permit if any of the following changed circumstances occur:
 - i. The establishment substantially changes its mode or character of operation, which includes, but is not limited to, changing from a private school with student boarding facilities and staff residences to a school where a substantial number of students and staff commute daily to the school from an off-site location; or
 - ii. The school enrollment exceeds 132 students.

Attachments: Department of Public Works letter dated August 25, 2003
County of Los Angeles Fire Department – Forestry Division letter dated September 12, 2003
Mitigation monitoring program

RJF:MBM
12/8/2003

